

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

QUY DINH NGUYEN,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C15-1433-RSL-MAT

REPORT AND RECOMMENDATION


Petitioner, proceeding pro se in this habeas case, filed a motion to proceed *in forma pauperis* (IFP). (Dkt. 7.) Petitioner indicates he has \$110.00 in his prison account and his prison trust account statement reflects an available balance of \$155.21. (Dkts. 6 & 7.) As such, it appears petitioner has funds available to pay the \$5.00 filing fee.

Accordingly, the Court recommends that petitioner's motion to proceed IFP (Dkt. 7) be DENIED. This action should proceed only if petitioner pays the \$5.00 filing fee within **thirty (30) days** after entry of the Court's Order adopting this Report and Recommendation. If no filing fee is paid within thirty days of the Court's Order, the Clerk should close the file.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report and Recommendation is signed. Failure to file objections within the specified time may affect

1 your right to appeal. Objections should be noted for consideration on the District Judge's
2 motions calendar for the third Friday after they are filed. Responses to objections may be filed
3 within **fourteen (14)** days after service of objections. If no timely objections are filed, the matter
4 will be ready for consideration by the District Judge on **October 16, 2015**.

5 DATED this 21st day of September, 2015.

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8 Mary Alice Theiler
United States Magistrate Judge